

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 375, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete pages 1 through 2.
- 2 Page 3, delete lines 1 through 4.
- 3 Page 3, line 11, reset in roman "resulting from collision".
- 4 Page 4, line 12, after "(5)" insert "**Physical damage resulting from**
- 5 **collision to the rented vehicle and loss of use of the rented vehicle**
- 6 **resulting from collision, up to its fair market value, as determined**
- 7 **in the customary market for the sale of that vehicle, resulting from**
- 8 **the use of the rental vehicle by an unauthorized driver.**
- 9 **(6)".**
- 10 Page 4, line 14, strike "(6)" and insert "**(7)**".
- 11 Page 4, line 16, strike "(7)" and insert "**(8)**".
- 12 Page 4, line 16, delete "fees." and insert "**fees related to the**
- 13 **enforcement of the rental agreement."**
- 14 Page 4, line 17, delete "(8)" and insert "**(9)**".
- 15 Page 4, delete lines 20 through 42, begin a new paragraph and
- 16 insert:
- 17 "SECTION 5. IC 24-4-9-14 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The total amount
- 19 of the renter's liability to the rental company resulting from damage to
- 20 the rented vehicle may not exceed the sum of the following:

(1) The estimated cost of replacement parts that the rental company would have to pay to replace damaged vehicle parts, less all discounts and price reductions or adjustments that will be received by the rental company.

(2) The estimated cost of labor to replace damaged vehicle parts, which may not exceed the product of:

(A) the rate for labor usually paid by the rental company to replace vehicle parts of the type that were damaged; and

(B) the estimated time for replacement;

less all discounts and price reductions or adjustments that will be received by the rental company.

(3) The estimated cost of labor to repair damaged vehicle parts, which may not exceed the lesser of the following:

(A) The product of the rate for labor usually paid by the rental company to repair vehicle parts of the type that were damaged and the estimated time for repair.

(B) The sum of the estimated labor and parts costs determined under subdivisions (1) and (2) to replace the same vehicle parts.

All discounts and price reductions or adjustments that will be received by the rental company must be taken into account in determining the figure under this subdivision.

(4) Except as otherwise provided for, the loss of the use of the rented vehicle, which may not exceed the product of:

(A) the rental rate stated in the rental agreement for the particular vehicle rented, excluding optional charges; and

(B) the total of the estimated time for replacement and estimated time for repair.

(5) Actual charges for towing, storage, and impound fees paid by the rental company.

(b) Under any circumstances described in this chapter, liability for the rental company's loss of use of the rented vehicle may not exceed the product of:

(1) the rental rate stated in the rental agreement for the particular vehicle rented, excluding all optional charges; and

(2) eighty percent (80%) of the period from the date of the accident to the date the vehicle is ready to be returned to rental service.

1 However, a renter is not liable to a rental company for the loss of use
 2 of a damaged vehicle unless the ~~rentor~~ **renter** uses its best efforts to
 3 effect repairs and return the vehicle to rental service.

4 (c) The administrative charge described in section ~~13(7)~~ **13(9)** of
 5 this chapter may not exceed:

6 (1) ten percent (10%) of the total estimated cost for parts and
 7 labor, if the damage is one thousand five hundred dollars (\$1,500)
 8 or less; or

9 (2) the amount specified in subdivision (1) plus seven and
 10 one-half percent (7 1/2%) of the amount in excess of one
 11 thousand five hundred dollars (\$1,500), if the total estimated cost
 12 for parts and labor exceeds one thousand five hundred dollars
 13 (\$1,500).".

14 Delete page 5.

15 Renumber all SECTIONS consecutively.
 (Reference is to SB 375 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

Long

Chairperson